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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Edward L. Sinofsky  
Serial No.: 08/411,581  
Filed: March 29, 1995  
For: INFRARED LASER CATHETER SYSTEM  
Attorney Docket No.: ROE-040C4 (formerly  
BO410/7228)

Examiner: D. Shay

**EXPEDITED PROCEDURE**

**Group Art Unit: 3311**

**BOX AF**

Assistant Commissioner for Patents  
Washington, D.C. 20231

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GROUP 3300

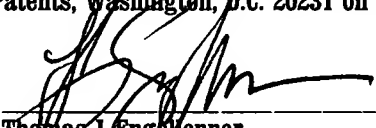
Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX AF, Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

October 11, 1996

Date of Signature and of Mail Deposit

By:

  
Thomas J. Englemmer  
Reg. No. 28,711  
Attorney for Applicant

**NOTICE OF APPEAL PURSUANT TO 37 C.F.R. 1.191**

Dear Sir:

Applicant appeals to the Board of Appeals from the decision of the Examiner dated April 11, 1996 canceling claims 1-43 and rejecting claims 44-59. The Appeal Fee of \$150.00 for small entity is enclosed. A Verified Statement (Declaration) Claiming Small Entity Status is enclosed herewith.

A Request for Three-Month Extension of Time, up to and including October 11, 1996, in which to preserve pendency of this application, is also enclosed herewith, together with the small entity extension fee of \$465.00. In addition, a copy of a signed *Revocation of Prior Powers of Attorney and Appointment of New Power of Attorney* form

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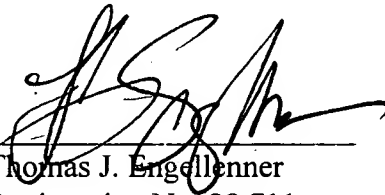
is enclosed, together with a copy of the originally executed recorded Assignment assigning this application to Rare Earth Medical, Inc.

Please charge Attorney's Deposit Account No. 12-0080 for any additional fee amounts, including extension of time fees, which may be due regarding this appeal. Applicant requests any additional extension of time necessary to keep the application pending. We enclose a duplicate copy of this Notice of Appeal for that purpose.

Respectfully submitted,

LAHIVE & COCKFIELD

By

  
Thomas J. Engellenner  
Registration No. 28,711  
Attorney for Applicant

60 State Street  
Boston, MA 02109  
(617) 227-7400  
Date: **October 11, 1996**